

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 12-032V**  
**(Not to be published)**

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\*  
JAMES MACKENZIE, \*  
\*  
\*  
Petitioner, \*  
\*  
v. \*  
\*  
SECRETARY OF HEALTH AND \*  
HUMAN SERVICES \*  
\*  
Respondent. \*  
\*\*\*\*\*

Filed: November 7, 2013  
  
Decision on Attorney's  
Fees and Costs

**DECISION<sup>1</sup> (ATTORNEY FEES AND COSTS)**

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> I issued a decision on August 2, 2013. On October 18, 2013, petitioner filed a petition for approval of attorney's fees in this matter. Petitioner requested a total payment of \$17,809.93, representing attorney's fees of \$16,152.50, and costs of \$1,657.43. On November 4, 2013, respondent filed a response to that request, indicating that respondent will not contest the reimbursement of the amounts requested. On November 5, 2013, in accordance with General Order #9, petitioner filed a statement indicating that petitioner incurred no reimbursable costs in pursuit of his claim.

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate.

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<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

**Accordingly, I hereby award the total \$17,809.93 as a lump sum in the form of a check payable jointly to petitioner and petitioner's counsel, Ferrell A. Levy.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>3</sup>

**IT IS SO ORDERED**

/s/ George L. Hastings, Jr.  
George L. Hastings, Jr.  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.